

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 16-20

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); READOPTING A PORTION OF ORDINANCE NO. 07-18; AMENDING §4-488 (USE REGULATIONS TABLE) SO AS TO PERMIT TWO FAMILY ATTACHED IN TFC-2 DISTRICTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate and enforce laws that are necessary for the protection of the public; and

WHEREAS, Bonita Springs City Council adopted Bonita Springs Ordinance No. 07-18, during the process of transitioning its Land Development Code (Zoning) from Lee County to City of Bonita Springs, which was inadvertently not included in the Land Development Code; and

WHEREAS, City Council finds it necessary to amend Land Development Code Chapter 4, so as to permit two family attached in TFC-2, which may allow more home ownership when large lots would otherwise have duplexes.

THE CITY OF BONITA SPRNGS HEREBY ORDAINS:

SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4

Section 4-488 within the City of Bonita Springs Land Development Code Chapter 4 is amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

Sec. 4-488. - Use regulations table.

Use regulations for one- and two-family residential districts are as follows:

TABLE 4-488. USE REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

	Special Notes or Regulations	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Accessory uses, buildings and structures:	4-923 et seq., 4-2012 et seq.	P	P	P	P	P	P	P	P	P
Amateur radio antenna and	4-927	Refer to 4-927 for regulations.								

satellite earth stations										
Animals (equines)	4-1045 et seq.	-	-	-	-	SE	SE	-	-	-
Docks, seawalls	4-1588	P	P	P	P	P	P	P	P	P
Fences, walls	4-1841 et seq.	P	P	P	P	P	P	P	P	P
Entrance gate, gatehouses	4-1841 et seq.	P	P	P	P	P	P	P	P	P
Nonroofed accessory structures	4-1894(c)(3)	P	P	P	P	P	P	P	P	P
Signs in compliance with chapter 6		P	P	P	P	P	P	P	P	P
Accessory apartment	Note (1), 4-929	SE	SE	SE	SE	SE	SE	P	P	-
Administrative offices		P	P	P	P	P	P	P	P	P
Aircraft landing facilities, private:										
Lawfully existing:										
Expansion of aircraft landing strip, or helistop or heliport landing pad	4-982 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE
New accessory buildings	4-982 et seq.	P	P	P	P	P	P	P	P	P
New:										
Aircraft landing strip and ancillary hangars, sheds, and equipment	4-982 et seq.	-	-	-	-	-	-	-	-	-
Heliport	4-982 et seq.	-	-	-	-	-	-	-	-	-

Helistop	4-982 et seq.	SE	SE	SE	SE	P	SE	SE	SE	SE
Animals and reptiles										
Keeping, raising or breeding of Class I animals (df)	4-1045	-	-	-	SE	SE	SE	-	-	-
Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals(df)	4-1045	-	SE	SE	SE	SE	SE			
Assisted living facility	Note (2), 4-1182	-	-	-	-	-	-	-	-	P
Boat ramps	Note (8)	EO/SE	EO/SE	EO/S E	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/S E
Clubs, private		SE	SE	SE	SE	SE	SE	SE	SE	SE
Community residential home		P	P	P	P	P	P	P	P	P
Communication facility, wireless	4-1215 et seq.	Refer to 4-1215 for regulations.								
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Community Gardens	Sec. 4-1435	AA	AA	AA	AA	AA	AA	AA	AA	AA
Day care center, adult or child	Note (7)	SE	SE	SE	SE	SE	SE	SE	SE	SE
Dwelling unit:										
Duplex		-	-	-	-	-	-	P	P	P
Mobile home		EO	EO	EO	EO	EO	EO	EO	EO	EO
Multiple-family	4-2095	-	-	-	-	-	-	-	-	-

building										
Single-family residence, conventional		P	P	P	P	P	P	P	P	P
Two-family attached		-	-	-	-	-	-	-	<u>P</u>	P
Townhouse		-	-	-	-	-	-	-	-	-
Zero lot line		-	-	-	-	-	-	-	-	-
Essential services	4-1362 et seq.	P	P	P	P	P	P	P	P	P
Essential service facilities (4-408(c)(13)):	4-1362 et seq.									
Group I	4-1362 et seq., 4-1841	P	P	P	P	P	P	P	P	P
Group II	4-1362 et seq., 4-1841	SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:										
Oil or gas	4-1380(c)	SE	SE	SE	SE	SE	SE	SE	SE	SE
Water retention	4-1380(b)	P	P	P	P	P	P	P	P	P
Golf course	4-2037 et seq. Note (9)	EO	EO	EO	EO	EO	EO	EO	EO	EO
Guest house		-	-	-	-	-	-	-	-	-
Home care facility		P	P	P	P	P	P	P	P	P
Home occupation:										
No outside help	4-1496(c)	P	P	P	P	P	P	P	P	P
With outside help	4-1496(c)	AA	AA	AA	AA	AA	AA	AA	AA	AA
Library		-	SE	SE	-	-	-	SE	-	-
Marina	4-1587	EO	EO	EO	EO	EO	EO	EO	EO	EO
Models:										
Display center	4-1662 et	SE	SE	SE	SE	SE	SE	SE	SE	SE

	seq.									
Model home	4-1662 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Model unit	4-1662 et seq.	-	-	-	-	-	-	-	-	-
Parking, public	Note (10), 4-1726—1734	SE	SE	SE	SE	SE	SE	SE	P	P
Parks (4-408(c)(30), Group I		P	P	P	P	P	P	P		
Place of worship	Note (5) 4-1762	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Real estate sales office	Note (6)	SE	SE	SE	SE	SE	SE	-	-	-
Recreational facilities:										
Personal		P	P	P	P	P	P	P	P	P
Private—on-site		EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE	EO/SE
Private—off-site		EO	EO	EO	EO	EO	EO	EO	EO	EO
Religious facilities	Note (3), 4-1762 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE
Residential accessory uses (4-408(c)(41))	4-923 et seq.	P	P	P	P	P	P	P	P	P
Schools, noncommercial:										
Lee County School District	4-1970	P	P	P	P	P	P	P	P	P
Other	4-1970	SE	SE	SE	SE	SE	SE	-	-	SE
Servant's quarters		-	-	-	-	-	-	-	-	-
Social services, Group V	Note (11). 4-2190 et seq.	P	P	P	P	P	P	P	P	P

Stable, private	4-1046	-	-	-	-	SE	SE	-	-	-
Temporary uses	4-2124 et seq.	P	P	P	P	P	P	P	P	P

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 4-272 and Table 4-740.
- (3) Any new facility of ten or more acres or any expansion of an existing facility to ten or more acres, requires PD zoning. See section 4-272 and Table 4-740.
- (4) Accessory buildings and uses (to the main building) may be located closer to the front of the property than the main building but must comply with all other setback requirements for accessory buildings and uses.
- (5) Recreational halls require a special exception approval.
- (6) Real estate sales are limited to sales of lots, homes or units within the development. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a new special exception approval.
- (7) Family day care home exemption. F.S. 166.0445 exempts family day care homes from needing the special exception. See section 4-195(e)(9).
- (8) Noncommercial only.
- (9) Redevelopment of an existing only golf course with residential buildings or structures requires PD zoning.
- (10) Public parking lots are those owned, operated or maintained by a governmental agency (city, county or state), which may or may not be charged a parking fee, used off-site from other uses adjacent to the public parking lot. Such public parking lots require a special exception approval, which will include the requirements of section 4-1729 through 4-1734 where feasible and practical, as determined in the conditions imposed by city council for this use.
- (11) Community residential homes will be sited in accordance with F.S. ch. 419.

(Ord. No. 03-15; Ord. No. 05-17; Ord. No. 06-12; Ord. No. 11-02, § 3(4-694), 1-19-2011; Ord. No. 12-13, § 1(4-694), 8-15-2012; Ord. No. 13-05, § 4-694, 4-3-2013)

SECTION TWO: CONFLICTS

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

SECTION THREE: SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion of the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision application.

SECTION FOUR: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs Land Development Code; and that sections of this ordinance may be renumbered or re-lettered and that the work "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not effect the intent may be authorized by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION FIVE: EFFECTIVE DATE

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 7th day of December, 2016.

AUTHENTICATION:

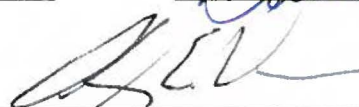


Mayor



City Clerk

APPROVED AS TO FORM: _____



City Attorney

Vote:

DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 12/9/16